

REMARKS

Applicant's attorney expresses his gratitude to the Examiner for the courteous interview conducted on August 17, 2005. The summary of the interview is fully described in the Interview Summary Record completed by the Examiner on form PTOL-413 (Rev. 04-03).

Claims 58 and 80 for amendments and added claims 92-102 find support in the specification at the location indicated in the following table:

CLAIM	SUPPORT	CLAIM	SUPPORT
58	page 5 lines 17-23	80	Page 6 lines 15-18
92	page 5 lines 17-23 page 6;	93	page 5 lines 30-31
94	Page 14 lines 2-3	95	Page 6 lines 4-12
96	Page 5 lines 17-19 and page 6 lines 4-12	97	Page 7 line 11-15
98	Same location as for claim 73	99	Same location as for claim 71
100	Same location as for claim 72	101	Same location as for claim 74
102	Same location as for claim 75		

Applicants note that the office action mailed July 22, 2005 indicated Claim 91 as allowable.

Also the office action rejected pending claims 58-85 and 87-90.

(A) RESPONSE TO REJECTION UNDER 35 U.S.C. 102/103(a)

Previously submitted claims 80-85 and 87-90 were rejected under 35 U.S.C. 102(b) and alternatively by 103(a) from *U.S. 4,760,123, Imai et al*, (hereinafter '123 reference) or U.S. Patent 5,304,621, *Staiger, et al* patent (hereinafter '621').

It is respectfully submitted that claims 80-85 and 87-90 by the amendment to claim 80 are directed to an adhesive with a particular type of filler not taught or suggested in the '123 or '621 patents.

The *Imai et al*, '123 patent for polyorganosiloxane compositions at column 8 lines 5-34 generally teaches types of fillers such as fumed or precipitated silicas. However the patent teaches away from surface areas other than 200 m²/gm in Examples 3 and 4 at columns 11 and 12 where the fumed silica that is used has a specific surface area of 200 m²/gm. There is no teaching or suggestion of fumed silica with a surface area of less than 150 m²/gm as now claimed in Claim 80 and its dependent claims.

The *Staiger, et al* '621 patent for organo(poly)siloxanes with terminal siloxane units teaches at column 7 lines 53-68; column 8 lines 1-3; and column 12 lines 18-26 fumed silica with a surface area of more than 50 m²/gm or at least 50 m²/gm or non-reinforcing or inorganic fillers with a surface area of less than or up to 50 m²/gm. There is no teaching of a combination of fillers where the fumed silica has a surface area of less than 150 m²/gm and particular clear filler with a surface area 75 to less than 250 m²/gm as now claimed in claim 80 and its dependent claims.

Therefore it is respectfully submitted that claim 80 as amended for the fillers and claims dependent therefrom are novel and unobvious over the '123 and '621 patents.

(B) RESPONSE TO REJECTION UNDER 35 U.S.C. 103(a)

Previously submitted claims 80-85 and 87-90 were rejected under 35 U.S.C. 103(a) from the product brochure "MS Polymer Silyl of Kaneka Corporation (hereinafter Kaneka reference) in view of U.S. Patent 4,308,372 (Smith Jr. et. al. (hereinafter '372); *Staiger, et al* '621 patent; and/or *Imai et al*, '123 patent.

The Kaneka reference teaches using drying fillers such as calcium carbonate and titanium oxide. There is no teaching or suggestion to use silicas like those claimed in Claim 80.

The '372 patent for vulcanizable silicone rubber compositions with improved adhesion to surfaces teaches the use of fumed silica at column 9 lines 35-68 and column 10 lines 1-7 and 59-68. There is no teaching or suggestion of any particular surface area and the fumed silica is added in limited amounts for sag control.

As noted in the above response (A) the '123 and '621 patents do not teach or suggest the adhesive composition as claimed in claim 80 with the combination of fillers and the Kaneka reference and '372 patent do not add anything over the teachings and suggestions of the '123 and '621 patents.

Therefore it is respectfully submitted that claims 80-85 and 87-90 from the amendment to the filler in claim 80 are unobvious over the cited references.

(C) RESPONSE TO REJECTION UNDER 35 U.S.C. 103(a)

Previously submitted claims 58-72, 74-85 and 87-90 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 5,298,572 Katz (hereinafter "Katz '572") in view of *Staiger, et al* '621 patent or U.S. Patent 6,013,749 Baba hereinafter "Baba '749).

The Katz '572 patent is directed to moisture curable silyl terminated polymers from terminally unsaturated monol and a polyfunctional hydroxyl-reactive compound of polyisocyanates or organic polyacyl compounds. Fillers such as silica and fumed silica are taught at column 6 line 23. However in the examples for filled sealants at column 8 Katz '572 only uses calcium carbonate and titanium dioxide. Silica fillers are not used.

The *Staiger, et al* '621 patent teaches and suggests polysiloxane type polymers which are not polymers with carbon based backbone. The polymers of the rejected claims, Claim 58 and claims dependent therefrom, have carbon in their backbone. There is no teaching of any equivalence between the carbon backbone polymers of Claim 58 as amended for particular types of silyl end groups and siloxane backbone polymers as in *Staiger* '621. Therefore there is no teaching of any equivalence between these types of polymers so one skilled in the art might suspect that components used with siloxanes would also be useful with polymers having carbon in the polymer backbone. The Katz '572 patent only mentions silica fillers and prefers other fillers for its type of polymer. There is no teaching or suggestion from the combined references that particular silicas with surface areas are useful with polymers having carbon in their backbone like that claimed in Claim 58 and claims dependent therefrom.

The Baba '749 patent teaches reacting the silica particle as a reaction product with alkoxysilane and a urethane bonding group and organic group with a

polyfunctional (meth)acrylic compound and silicone polymer. As noted above the polymer of claim 58 as amended is a silyl terminated polymer with carbon in its backbone. This is not a silicone polymer as in the Baba '749 patent. Therefore there is no teaching of any equivalence even to suspect that silica particles as used in the Baba '749 patent would be useful with the carbon based polymer with silyl end groups and carbon in the backbone as claimed in Claim 58.

Therefore it is respectfully submitted that claim 58, as amended, for the adhesive with the particular type of polymer(s) with the fillers and dehydrating agents and dependent claims from claim 58 are unobvious over the cited references.

(D) RESPONSE TO REJECTION UNDER 35 U.S.C. 103(a)

Previously submitted claims 58-85 and 87-90 were rejected under 35 U.S.C. 103(a) as unpatentable over Katz '572 in view of *Staiger, et al* '621 patent or Baba '749 and further in view of Furukawa et. al. U.S. 5,459,205 (hereinafter referred to as "'205) or Yamaguchi et. al., U.S. Patent 6,686,047 (hereinafter referred to as "'047).

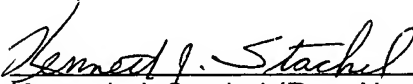
There is no teaching or suggestion in the combination of references that shows the particular type of adhesive composition of Applicants' claims with the polymer having carbon in its backbone and with particular silyl end groups along with a particular filler with a particular surface area used in conjunction with the dehydrating agent to result in the adhesive. Neither the '205 reference nor the '047 reference teach or suggest such an adhesive composition comprised with such a polymer and filler.

Reconsideration of claims 58 – 90 with claims 58 and 80 as amended and added claims 92 -102 are respectfully requested. If there are any remaining issues regarding the allowance of the captioned patent application the examiner is

requested to contact Applicants attorney in a telephone interview to resolve any such outstanding issues.

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Respectfully submitted,


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